

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

ERNEST D. SHRADER,

Plaintiff,

v.

CIVIL ACTION NO. 2:11-cv-00784

CARL BERLIN, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

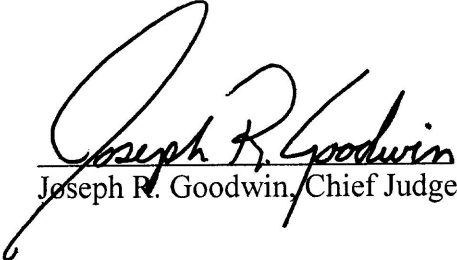
This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and has recommended that the court **DISMISS** the complaint under 28 U.S.C. § 1915A(b)(1) and **DENY** the plaintiff's Application to Proceed without Prepayment of Fees and Costs. The plaintiff has not filed objections to the Magistrate Judge's findings and recommendation.

A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

As the plaintiff has not filed objections in this case, the court adopts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent therewith. The court **DISMISSES** the complaint under 28 U.S.C. § 1915A(b)(1) and **DENIES** the plaintiff's Application to Proceed without Prepayment of Fees and Costs.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 16, 2012


Joseph R. Goodwin, Chief Judge